

1900-007  
Lee Co

Chancery Causes: Morristown Medicine Co] vs. F. H. Delp & wife

CA - Debt

T - Property

-Deed



To the Hon.H.A.W.Skeen, Judge of the circuit court for Lee County, Virginia:

Humbly complaining, your orator, Morristown Med Co., a corporation organized and existing under the laws of the State of Tennessee, respectfully represents that, on the 12th day of August 1899, before W.A.Baker, one of the Justices of the Peace for Lee County, it obtained a judgment (on note waiving homestead) against one P.H.Delp, of Lee county, Virginia, for the sum of twenty-two dollars and fifteen cents (\$22.15), with interest thereon from the 7th day of September, 1895, till paid, and one dollar costs; that on the same day the said justice issued an execution on said judgment which has been returned "No property found", all of which will more fully appear from an inspection of a certified copy of said judgment which is herewith filed as a part hereof~~xxx~~, marked "Exhibit No.1."; that on the 18th day of August, 1899, said judgment was duly docketed in Judgment Lien Docket No.3, page 197, as will more fully appear from a certified transcript therefrom which is herewith filed as a part hereof marked "Exhibit No.2"; that no part of said judgment has ever been paid, but that the same and every part thereof is still justly due and owing to your orator.

Your orator further represents that by deed dated the 23rd day of August, 1899, the said P.H.Delp conveyed to his wife, Mattie Delp, all his real and personal <sup>properties of every description</sup> description, as will more fully appear from a copy of said deed which is herewith filed as a part hereof, marked "Exhibit No.3." From this deed it will be observed that the same was acknowledged on the day it bears date, but was not admitted to record until the 18th day of September, 1899, when it was recorded in Deed Book No.35, page 252.

It will be observed that the judgment aforesaid of your orator was rendered and docketed before the date of said deed.



Your orator is therefore advised that by reason of the statute laws of Virginia, said judgment operates as a lien upon the said land conveyed or attempted to be conveyed by said deed.

Your orator alleges that its said judgment is the only lien docketed against said P.H.Delp.

Your orator admits that said land will or ought to rent for a sum sufficient in five years to pay said judgment.

The object of this bill is to enforce the lien of said judgment against the real estate described in said deed from P.H. to Mattie Delp<sup>ley</sup> sale, if the same will not rent for enough in five years to pay said judgment.

To attain this object, your orator prays that P.H.Delp and Mattie Delp be made parties defendant to this bill; that they be required to answer, but not under oath; that on a hearing, a decree be rendered appointing a commissioner to ~~xxxxxxx~~ rent said land for such period as it will rent for a sum sufficient to pay said judgment and the costs of this suit. *So that the same be not more than five yrs* And if mistaken in this *general* then that your may have all other relief which its cause merits.

May spa.issue directed &c.

*L. D. Ryan*, P.Q.



Morristown Med. Co.

vs.  $\frac{3}{2}$  Bill

P.H. Delp et al.

1899. 2<sup>nd</sup> October rules bill  
filed Spa executed & D. N.  
" 1<sup>st</sup> November rules held  
the last Monday in Oct  
D. N. Confd & Cause set  
for hearing.



Morristown Medicine Co., a corporation,

Plff.

vs.

In Chancery.

P.H.Delp and Mattie Delp.

Defendants.

This cause came on this day to be heard upon the bill of the complainant, process duly executed on the defendants, and the cause regularly matured at rules and set for hearing by the complainant, and was argued by counsel.

On consideration whereof, it is adjudged ordered and decreed that said bill be taken for confessed as to the said defendants. And the court being of opinion that the judgment set out and described in said bill is a lien on the real estate described in the bill and "exhibit No.3" filed therewith, and said bill alleging that there are no other liens against said lands which allegation is not denied, it is further adjudged, ordered and decreed that the plaintiff recover from the defendant, P.H. Delp, the sum of twenty-two dollars and fifteen cents (\$22.15), with legal interest thereon from the 7th day of September, 1895, until payment, and one dollars costs at law, and twenty-five cents costs of docketing said judgment, and the costs of this suit to be taxed by the clerk of this court; that unless said recoveries be paid within thirty days from this date, that L.T. Hyatt, who is hereby appointed a special commissioner for the purpose, do proceed, after having executed bond <sup>Conditioned according to law</sup> before the clerk of this court in the penalty of \$100.00, and after having advertised the time, term and place of <sup>renting</sup> ~~sale~~ for at least thirty days prior thereto, by posting written or printed notices thereof at three or more public places in said county, one of which shall be at the front door of the court-house of said county and another at Hunter's Gap, to rent said land to the highest bidder, at the front door of the court-house on some court day, by public outcry,



for the shortest period of years not exceeding five in which the same will rent for a sum sufficient to satisfy the recoveries herein had, and said commissioner will require the costs of suit and commissions of sale paid down in cash on day of renting, and for the residue take bonds from rentor with good security, one for each years rental, payable to himself as commissioner, bearing interest from date, and waiving homestead exemptions. Said commissioner will report his action to court, and the cause is continued.



Morristown Med. Co.

vs. { Decree No. 1.

{ for ~~sale~~  
renting

P. H. Delp et al.

Entered on Chy O.B.

No 6 Page 371+2

Enter this decree  
March 14/1900.

H. A. W. Sherr



This deed made this the 23rd day of August 1899, by and between P.H.Delp of the first part and Mattie Delp and her heirs of the second part, all of the County of Lee and State of Va.

Witnesseth that for and in consideration of the love and affection that I have toward the said party of the second part and for the further consideration of one thousand dollars in hand paid the receipt of which is hereby acknowledged, I the said party of the first part doth sell convey and deliver, all of my real estate now owned and occupied by me in the County of Lee and State of Va. containing one hundred acres by survey, and bounded as follows to wit on the South by James Olinger on the west by J.W.Glass on the North by Green and on the East by Samuel Poteet Mr.Hix and the Roller land. and I further convey all my personal <sup>property</sup> ~~estate~~ to wit: two head of horses, both bays, one cow, black, nine head of hogs, four head of sheep, two waggon, one farm and one log, all the fixtures thereunto belonging & all my timber that I claim bought of Dr. Kyle all other timber of Ever kind and all my crop that I now have, consisting of corn, millet, and in fact every thing that I now possess Even Household and kitchen furniture, of every description. To have and to hold the same in fee simple and I further say that I have a good right to sell the same and will warrant and forever defend the same to the said party of the second part to her, her heirs and assigns forever. Witness my signature and sealx this the day and date above written.

P.H.Delp (Seal.)

State of Va.

Lee County.

I, Jno.M.Tate, a Notary Public of said county do certify that P.H.Delp whose name is signed to the foregoing deed of conveyance bearing date of Aug.the 23rd 1899 as vendor personally ~~appeared~~



came before me in my county and acknowledged the same to be his act and deed for the purposes set forth therein.

Given under my hand and official signature this the Twenty-third day of August 1899.

Jno.M.Tate, N. P.

Virginia, Lee county, to wit:

In the Office of the Clerk of the County Court for said County, the 18th day of September, 1899, the foregoing deed was presented and, together with the certificate thereto annexed, admitted to record, and was recorded in Deed Book No.35, page 252, on the 25th day of September, 1899.

Teste: B.M.Morgan, Clerk.

Virginia, Lee county, to wit:

I, B.M.Morgan, Clerk of the county court for said county, do certify that the foregoing is a true copy of a deed from P.H.Delp to Mattie Delp and her heirs as the same appears of record in my office in Deed Book No.35, page 252.

Given under my hand this the 14 day of <sup>March 1900</sup>~~October~~, 1899.

B.M.Morgan, Clerk.



\_\_\_\_\_, Clerk.

Given under my hand this the \_\_\_\_ day of October, 1899.  
Office in Deed Book No. 32, page 525.

To Mattie Delp and her heirs as the same appears of record in my  
certify that the foregoing is a true copy of a deed from P. H. Delp  
I, B. M. Moxam, Clerk of the county court for said county, do  
verify, see county, do it:

Teste: B. M. Moxam, Clerk.

SEEN day of September, 1899.  
to record, and was recorded in Deed Book No. 32, page 525, on the  
signed and, together with the certificate thereto annexed, admitted  
to, the 18th day of September, 1899, the foregoing deed was pre-

In the Office of the Clerk of the County Court for said Coun-  
ty, Virginia, see county, do it:

\_\_\_\_\_, N. P.

Third day of August 1899.

Given under my hand and official signature this the Twenty-  
set and deed for the purposes set forth therein.

Came before me in my county and acknowledged the same to be his



# Judgment Lien Docket.

Date of Judgment	By what Court Rendered	Time of Docketing	Names and Description of Parties.	Debt, Damages, Interest and costs	Amount and date of Credits.
Aug 12 1899.	W.A. Baker J.P.	Aug 18 1899.	Morristown Med. Soc. Plff.  vs $3\frac{3}{4}$ In Debt.  P. H. Delp. Deft	Judgment for \$22.15- with interest thereon from Sept. 7 <sup>th</sup> 1895, until paid, and the costs. J.P. 50 <sup>c</sup> S. 50 <sup>c</sup> C 25 <sup>c</sup>	

A copy, Teste: B.M. Morgan Clerk.



@ 25c



Virginia---Lee County, To Wit:

To W.J.Mileham, Sheriff of said County.

I hereby command you to summon P.H.Delp If to be found in your District to appear at Jonesville in said county, on the 12 day of August 1899 before me or such other justice of said county, as may ~~then~~ be there to try this warrant, to answer complaint of Morristown Med Co. and upon a claim for money not exceeding \$100, exclusive of interest, to wit: For the sum of \$22.15 due by note, and then and there make return of this warrant.

Given under my hand the 1st day of August, 1899.

W.A.Baker, J.P.

-----  
Executed Aug.3rd, 1899 by summoning P.H.Delp.

WJ.Mileham, S.L.C.

9-----  
Morristown Med Co.

against(In Debt)

P.H.Delp.

On the 12th day of August  
1899. At Jonesville in  
said county.

JUDGMENT That the Plaintiff recover of the Defendant \$22.15 with interest thereon from the day Seventh SeP.1895, till paid, and \$1.00 for costs.

W.A.Baker, J.P.

-----  
VIRGINIA--Lee County, To-wit: To W.J.Mileham Sheriff of said County. I command you in the name of the Commonwealth of Virginia, that of the goods and chattels of P.H.Delp, in your county, you cause to be made the sum of \$22.15 with interest thereon from the 7 day of September, 1895, till paid which Morristown Med.Co.has recovered before me warrant for bedt, and also the sum of \$1.00 which were adjudged to the said Morristown Med Co. for cost in prosecuting said warrant.



Given under my hand the 12 day of August 1899.

W.A.Baker, J.P.

-----  
Not executed, no property found. *Oct. 17, 1899*

W.J.Mileham, S.L.C.  
-----

Virginia, Lee county, to wit:

I, B.M.Morgan, Clerk of the county court for said county, do certify that the foregoing is a true copy of a warrant, summon, judgment, execution, and return thereon, on file in my office.

Given under my hand this the 17th day of October, 1899.

*B.M.Morgan*, Clerk.



CI-MK.

Given under my hand this 13th day of October, 1880.

Judgment, execution, and return thereon, on file in my office.

Given that the foregoing is a true copy of a warrant, signed

I, B.M. Morgan, Clerk of the County Court, for said County, do

Attest, in company, to wit:

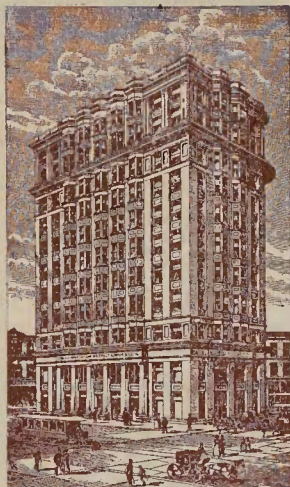
W.M. Morgan, C.T.C.

Not executed, no proper form.

W.A.B. Ker, J.P.

Given under my hand this 13th day of October, 1880.





ENGLISH-AMERICAN BUILDING.

S. C. OWENS, PRESIDENT.

ESTABLISHED JANUARY, 1893.

ROBY ROBINSON, SEC. AND TREAS.

## CONSOLIDATED COLLECTION COMPANY,

HOME OFFICE: 1011 1012 ENGLISH-AMERICAN BUILDING.

TELEPHONE 1026.

PUBLISHERS  
SOUTHERN LEGAL AND BANK  
DIRECTORY.

ATLANTA REFERENCES:  
ENGLISH-AMERICAN LOAN AND TRUST CO.  
THIRD NATIONAL BANK.  
MADDOX-RUCKER BANKING CO.

ATLANTA, GA.      June 1, 1900.

Mr. L.T. Hyatt,  
Jonesville, Va.

Dear Sir:-

Kindly inform us if P.H.Delp paid the judgment on May 21st or was the real estate rented under order of the court? If the latter, please state when the rent is to be paid so we can mark the account up for a date in the future.

Hoping you will oblige us with this information, we are,

Yours truly,

*The Consolidated Collection Co.*



Morrisstown Med Co.

VS

1900-5-21

1895-9-7

4-8-14

.24

.04

.002

.282

22.15-

282

4430

17720

4430

6,24630

P. H. Delp. et al.

May 21, 1900-

July 16, 1900-

Feby 9<sup>th</sup> 1901-

Novr. 18, 1901-

\$20.00

4.00

5.00

5.00

Judgment for

Suit from Sept 7, 1895 to

May 21, 1900 - - - - -

Costs at law

Dock. Judgt

22.15-

6.25-

1.00

25-

29.65-

16.91

46.56

20.00

26.56

Suit to July 16

Cr.

26.67

4.00

22.67

Suit to Feby 9 1901

@

77

23.44

5.00

18.44

85-

18.39

5-00

.13.39

7-16

5-21

25-

26.56

.004

10624

1901-2-9

1900-7-16

6-23

.03

.004

034

22.67

.034

9068

6801

77078

11-18

2-9

9-9

.046

18.44

.046

11064

7376

84824



The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU THAT YOU SUMMON *P. H. Delf and Mattie Delf*

to appear at the Clerk's office of the Circuit Court of the County of Lee at the court-house thereof, at the Rules to be holden for said Court, on the *3rd* Monday in *October*, 189*9*, to answer a bill in chancery, exhibited against *them* in our Court by

*Morristown Medicine Corp a Corporation*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the *21st* day of *September* 189*9*, and in the 12 *4<sup>th</sup>* year of the Commonwealth.

*A. B. Munsey* Clerk.

A copy—Teste: \_\_\_\_\_ Clerk.



Marristown Med. Co

VS. { SUBPOENA  
IN CHANCERY.

P.H. Delp et al

L.L. Hyatt p.q.

To 2nd Oct Rules.

CIRCUIT COURT.

Virginia, Lee county, to wit:

I, A.B. Munsey, Clerk of the Circuit Court for said county, do  
certify that C.C. Hyatt this day personally appeared before me in  
my office, and made oath that he on this day delivered attested  
office copies of the within subpoena each to P.H. Delp and Mattie  
Delp. Given under my hand this the 22nd day of September, 1899.

A.B. Munsey, Clerk.



To March 1 1900  
Plffs Costs

Clerk	5.16
Tax	1.50
Sheriff	1.50
atly	5.00
Estimates	3.00
	<u>\$16.16</u>
Coe	1.25
	<u>17.41</u>
	.50
	<u>16.91</u>

192  
207  
305

Morristown Med. Co.

233 Lee Chy

P. H. & Mattie Delp

1899. 2<sup>nd</sup> October rules bill filed  
Spa executed & Decree nisi  
1<sup>st</sup> November rules held  
the last Monday in October  
Decree nisi confirmed and  
Cause set for hearing